

# AGENDA

Special Meeting &  
Regular Meeting of

The South Jordan  
City Council

For

September 19, 2006

City Council Chambers  
South Jordan City Hall  
1600 W. Towne Center Drive

5:00 P.M. – Special City Council Meeting  
6:00 P.M. – Regular City Council Meeting

Cellular Phones and Pagers Must be Turned Off, or Set to Vibrate Only  
Upon Entering the City Council Chambers



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Council Member David W. Colton  
Council Member Larry Short  
Council Member Bradley G. Marlor  
Council Member Brian C. Butters  
Council Member Leona Winger

Mayor W. Kent Money

City Manager Ricky A. Horst

1600 West Towne Center Drive / South Jordan, UT 84095/ Telephone (801) 254-3742 / Fax (801) 254-3393

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AGENDA  
CITY OF SOUTH JORDAN  
SPECIAL CITY COUNCIL MEETING

SEPTEMBER 19, 2006

NOTICE IS HEREBY GIVEN THAT THE SOUTH JORDAN CITY COUNCIL WILL HOLD A SPECIAL MEETING ON TUESDAY, SEPTEMBER 19, 2006 IN THE CITY COUNCIL CHAMBERS, 1600 W. TOWNE CENTER DRIVE, SOUTH JORDAN, UTAH. THE SPECIAL CITY COUNCIL MEETING WILL BEGIN AT 5:00 P.M. PERSONS WITH DISABILITIES WHO MAY NEED ASSISTANCE SHOULD CONTACT THE DEPUTY CITY MANAGER AT 254-3742 AT LEAST 24 HOURS PRIOR TO THIS MEETING. A CLOSED MEETING MAY BE HELD AT THE END OF THIS MEETING, IF NEEDED. THE SPECIAL CITY COUNCIL MEETING WILL BEGIN AT 5:00 P.M. AND THE AGENDA WILL BE AS FOLLOWS:

5:00 P.M. – 5:50 P.M.

**SPECIAL CITY COUNCIL MEETING**

- I. University Of Southern Nevada
- II. Closed Meeting For The Purpose Of Discussing The Sale Or Acquisition Of Land
- III. Potential Action Regarding Item I. And/or Item #2, Above.

**ADJOURNMENT**

AGENDA  
CITY OF SOUTH JORDAN  
CITY COUNCIL MEETING

SEPTEMBER 19, 2006

NOTICE IS HEREBY GIVEN THAT THE SOUTH JORDAN CITY COUNCIL WILL HOLD ITS REGULAR MEETING ON TUESDAY, SEPTEMBER 19, 2006, IN THE CITY COUNCIL CHAMBERS, 1600 W. TOWNE CENTER DRIVE, SOUTH JORDAN, UTAH. THE MEETING WILL BEGIN AT 6:00 P.M. PERSONS WITH DISABILITIES WHO MAY NEED ASSISTANCE SHOULD CONTACT THE DEPUTY CITY MANAGER AT 254-3742 AT LEAST 24 HOURS PRIOR TO THIS MEETING. A CLOSED MEETING MAY BE HELD AT THE END OF THE MEETING, IF NEEDED. THE REGULAR MEETING WILL BEGIN AT 6:00 P.M. AND THE AGENDA WILL BE AS FOLLOWS:

6:00 P.M.

**REGULAR MEETING**

- I. GENERAL BUSINESS
  - A. Welcome and Roll Call
  - B. Opening Ceremony

1. Invocation
2. Pledge of Allegiance
- C. Motion to Approve Amended Agenda Items, If Any
- D. Minute Approval
  1. September 5, 2006

## II. INFORMATIONAL ITEMS AND OTHER BUSINESS

- A. CALENDARING ITEMS
- B. COMMENTS FROM MAYOR AND MEMBERS OF THE CITY COUNCIL
  1. Committee Reports
- C. CITY MANAGER BUSINESS
- D. NEW BUSINESS

## III. AWARDS, PRESENTATIONS

- A. Lifetime Fitness Certificate Of Appreciation

## IV. CITIZEN COMMENT

Any person wishing to comment on any item not otherwise on the Agenda may address the City Council at this point by stepping to the microphone and giving his or her name and address for the record. Speaker cards should be filled out in advance and given to the City Manager. Comments should be limited to not more than three (3) minutes, unless additional time is authorized by the Governing Body. Citizen groups will be asked to appoint a spokesperson. This is the time and place for any person who wishes to comment on non-hearing, non-Agenda items. Items brought forward to the attention of the City Council will be turned over to staff to provide a response outside of the City Council meeting. Time taken on non-agenda items, interrupts the process of the noticed Agenda. In rare cases where it is determined appropriate to address items raised from Citizen Comments, these items will be noted and be brought back at the conclusion of the printed agenda.

## V. SUMMARY ACTION CALENDAR

ALL MATTERS LISTED ON THE SUMARY ACTION CALENDAR ARE CONSIDERED TO BE ROUTINE AND WILL BE ENACTED BY ONE ROLL CALL VOTE. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS MEMBERS OF THE GOVERNING BODY OR STAFF REQUEST SPECIFIC ITEMS BE REMOVED FROM THE SUMMARY ACTION CALENDAR FOR SEPARATE DISCUSSION AND ACTION.

- A. Resolution R2006-57 – Consideration For Adoption Of A Resolution Of The City Council Of City Of South Jordan, Utah (The “Issuer”) Finalizing The Terms And Conditions Of The Issuance And Sale by The Issuer Of Its Sales Tax Revenue Refunding Bonds, Series 2006 In The Aggregate Principal Amount Of Approximately \$10,000,000 (The “Series 2006 Bonds”); Awarding and Confirming The Sale Of Said Series 2006 Bonds; Authorizing The Execution Of Said Series 2006 Bonds; Authorizing The Execution By The Issuer Of A Second Supplemental Indenture Of Trust, An Escrow Deposit Agreement; Authorizing And Approving A Preliminary Official Statement And Final Official Statement; Authorizing And Approving A Bond Purchase Agreement; And Other Documents Required In Connection Therewith; And Authorizing The Taking Of All Other Actions Necessary To The consummation Of The Transaction Contemplated By This Resolution; Providing a Severability Clause; Repealing Resolutions And Orders In Conflict; Providing And Effective Date; And Related Matters.

VI. SUMMARY ACTION ITEMS HELD OVER

Should any items be removed from the Summary Action Calendar for discussion, they will be discussed at this time.

VII. PUBLIC HEARINGS AND POTENTIAL \*LEGISLATIVE ACTION ITEMS

\*Legislative Action = More Discretion, Reasonably Debatable (Subjective Standard)

A. Public Hearing –

B. Potential Action Item – (See VII. A.)

VIII. PUBLIC HEARINGS AND POTENTIAL \*\*ADMINISTRATIVE ACTION ITEMS

\*\*Administrative Action = Less Discretion, Substantial Evidence (Objective Standard)

A. Public Hearing –

B. Potential Action Item – (See VIII. A.)

IX. OTHER BUSINESS

- A. Resolution R2006-46 – Consideration Of A Resolution For The Adoption Of The Culinary Water System Master Plan
- B. Resolution R2006-55 – Consideration Of A Resolution For The Adoption Of An Inter-local Cooperation Agreement Between Salt Lake County And South Jordan City For Utah Pollutant Discharge Elimination System (UPDES) Co-Permit No. UTS000001.
- C. Payne Horse Stables At 10988 South 2200 West
- D. Proposed Park At 10400 South And 3900 West
- E. City Council Packet Materials Discussion
- F. Approval Of Jennifer Wahlquist For Membership On The Public Arts & Cultural Development Board.

ADJOURNMENT

SOUTH JORDAN CITY  
CITY COUNCIL MEETING

September 5, 2006

**Present:** Mayor Kent Money, Council Member Dave Colton, Council Member Brad Marlor, Council Member Brian Butters, Council Member Leona Winger, Council Member Larry Short, City Manager Rick Horst, Police Chief Lindsay Shepherd, ACM Municipal Services Rob Wall, City Attorney John Geilmann, Deputy City Manager Gary Whatcott, Chief Operating Officer Laurie Tanner, City Council Secretary MaryAnn Dean

**Others:** Michael Riddle, RC Youngberg, Dave Hanson, Paul Jencks, Lori Jencks, Brad Jencks, Brenda Lymn, Stacie Lymn, Cheryl Lymn, Kayla Lymn, Jennifer Adams, Mike and Stacey Hurst, Brad and Jodi Pearson, Carston McCullough, Brooks Bradshaw, Joe Fullmer, Steve Allen

6:00 P.M.

**REGULAR MEETING**

**I. GENERAL BUSINESS**

**A. Welcome and Roll Call**

Mayor Money welcomed everyone present. He noted that Council Member Short will be arriving late. All other City Council members were present.

**B. Opening Ceremony**

**1. Invocation**

Council Member Marlor offered the invocation.

**2. Pledge of Allegiance**

**Brian Soulier**, Youth Council Mayor, led the audience in the Pledge of Allegiance.

**C. Motion to Approve Amended Agenda Items, If Any**

There were no changes. The agenda stands, as printed.

**D. Minute Approval**

**1. August 15, 2006**

**Council Member Colton made a motion to approve the August 15, 2006 City Council minutes, as printed. Council Member Butters seconded the motion. The vote was unanimous in favor, with Council Member Short absent.**

**Dave Jenkins and Mike Riddle**, Ensign Engineering, thanked the City for letting them be the design firm for the South Jordan plaza, fountain, and ice rink project. They presented the City with a plaque. He said that project received the American Public Works Association award. They are also submitting that project for some other national awards.

The Council moved to item X. on the agenda.

X. OTHER BUSINESS

A. Oath of Office: New South Jordan Youth Council Members

Mayor Money recognized the new South Jordan Youth Council Members. City Recorder Anna West administered the Oath of Office to the new Youth Council Members (Attachment A). Council Member Winger indicated that they have great youth serving on this Youth Council. They have great advisors as well.

II. SERVICE GROUP REPORT

A. Safety & Neighborhood Services

Police Chief Shepherd gave a service group report on safety and neighborhood services. He discussed animal control and ordinance enforcement. It was noted that the animal control officers can handle ordinance enforcement issues that are easily fixed. The longer term cases are handled by the enforcement officers.

III. INFORMATIONAL ITEMS AND OTHER BUSINESS

A. CALENDARING ITEMS

Mayor Money noted the ribbon cutting for the Golden West Credit Union on Thursday September 7, 2006 at 10 a.m.

CM Horst said the annual volunteer appreciation dinner is planned for October 11, 2006.

CM Horst said on November 30<sup>th</sup>, Judge Jenkins would be hearing arguments regarding the 11400 South and 10400 South lawsuit. The judge is interested in hearing from the parties who would like to see the project move forward.

Council Member Winger said she would like to hold a special City Council meeting, including an executive session on September 19<sup>th</sup> from 5:00 – 5:50 p.m. CM Horst said

they would be meeting with representatives from the University of Southern Nevada to discuss their future plans.

Council Member Winger asked staff to invite Diane Nielson, Director of the Division of Environmental Quality to a future City Council meeting. Ms. Nielson does a presentation discussing plans for cleaning up the water and giving an update on the Utah Lake clean up project.

CM Horst noted the upcoming Utah League of Cities and Towns Fall Conference. It will be held in Salt Lake City on September 13, 14, and 15<sup>th</sup>.

Council Member Marlor noted the City Council social scheduled for September 22, 2006 at 6:30 p.m. Mayor Money noted that he would be unable to attend the social.

B. COMMENTS FROM MAYOR AND MEMBERS OF THE CITY COUNCIL

None.

C. CITY MANAGER BUSINESS

CM Horst said the City pays a small annual membership fee to the Utah Taxpayers Association. He said the Utah Taxpayers Association is looking to become a Political Action Committee. If that is the case, he does not feel that it would be prudent to have a membership with them. The City Council concurred.

CM Horst said when the signal light was installed at 2700 West 10400 South, the Jepson's donated some property for that light. As UDOT is preparing for that road widening, they found that the Jepson's donated more property than is needed. He said they would like to return the excess land back to the Jepson's. UDOT has prepared a quick claim deed to deed the land back to the Jepson's.

**Council Member Marlor made a motion to deed the excess property back to the Jepson's. Council Member Winger seconded the motion. The vote was unanimous in favor, with Council Member Short absent.**

CM Horst said he and DCM Whatcott would be out of the office next week attending the ICMA conference.

D. NEW BUSINESS

None.

IV. AWARDS, PRESENTATIONS

None.

V. CITIZEN COMMENT

**Brooks Bradshaw**, Electrovision signs and displays, said they want to change the sign at Utah Water Sports. They would like to add 4 sq. ft. of additional space, but the message will only be on one side of the sign rather than both sides. It was noted that this issue will be discussed later in the meeting (see item X. C.).

VI. SUMMARY ACTION CALENDAR

None.

VII. SUMMARY ACTION ITEMS HELD OVER

None.

VIII. PUBLIC HEARINGS AND POTENTIAL LEGISLATIVE ACTION ITEMS

None.

IX. PUBLIC HEARINGS AND POTENTIAL ADMINISTRATIVE ACTION ITEMS

None.

X. OTHER BUSINESS

A. Oath of Office: New South Jordan Youth Council Members

This item was done earlier in the meeting.

B. Ordinance 2006-18: An Ordinance Amending Title 12.16 of the South Jordan Municipal Code to Prohibit Smoking in City Parks, Recreational Areas and Cemetery

COO Tanner said they feel that this Ordinance is in harmony with the values of the South Jordan residents. She said they have had questions and requests from the citizens to enact this Ordinance. It has been done in other areas in the County. This Ordinance allows flexibility for officers to do a warning. They can also give a penalty, if needed. It was noted that Midvale, Salt Lake City, Orem, and Bountiful have Ordinances like this. There are health issues, clean air, and nuisance issues associated with this. CM Horst said he feels this is an extension of the clean air act.

Council Member Colton asked how this issue was noticed? CM Horst said it was done like any other Ordinance advertisement.



CM Horst said the other issue is litter in the parks. It was noted that no smoking signs would be posted in the parks and cemetery.

Council Member Colton said he is concerned that this Ordinance will be hard to enforce and there will be a lot of violations.

Police Chief Shepherd said the Ordinance has worked well in Midvale and it is not hard to enforce. It will get easier over time. There are positive advantages from a law enforcement side.

Council Member Colton said those who oppose this Ordinance probably don't know about it. A trial period might be appropriate.

**Council Member Winger made a motion to approve Ordinance 2006-18. Council Member Butters seconded the motion.**

**Council Member Colton made a substitute motion to approve Ordinance 2006-18, and to review this item in one year. The motion died for lack of a second.**

**The vote on the original motion was unanimous in favor, with Council Member Short absent.**

CM Horst said staff will track any complaints received regarding this Ordinance and update the City Council periodically.

- C. Appeal – 2006.10: Appeal to the City Council of Section 16.36.070 of the City's Sign Ordinance Prohibiting Electronic Sign Messages Larger than Sixty (60) Square Feet in Area Within the C-F Zone. Utah Water Sports – Electrovision Signs & Displays, Inc. (Applicant)

CM Horst said he feels this appeal is within the City Council's discretion to grant the variance. He said he does not feel this will set a negative precedence, especially in this location. He said staff is not opposed to the proposal. An additional 4 sq. ft. is not significant, especially if it saves the applicant a significant cost to not have to re-design the sign. Council Member Colton said he feels that signs along the freeway are unique.

**Council Member Colton made a motion to approve Appeal 2006.10. Council Member Winger seconded the motion. The vote was unanimous in favor, with Council Member Short absent.**

- D. Appeal – 2006.11: Appeal of Staff Decision to Deny a Second Driveway Access to Property Located at 9610 South Countess Way, Mark Zollinger (Applicant)

ACM Wall showed the proposed site. He said staff has no traffic concern for the second driveway. He said staff is recommending that the City Council grant the appeal. It was

noted that the second driveway would be an access for recreational vehicles. The second driveway is approximately 48 ft. from the existing drive.

Mr. Zollinger noted that there are other properties near him with the same issue. CM Horst said staff denied this application because it violates the City code. He said staff supports the appeal.

**Council Member Winger made a motion to approve Appeal – 2006.11. Council Member Butters seconded the motion. The vote was unanimous in favor, with Council Member Short absent.**

E. “Leaf” Opinion Survey Results

CM Horst said staff did an informal survey in the FOCUS regarding various issues in the City. The largest concern from the people who responded was the movement of traffic. He discussed the results from the survey. He said the citizens seem to like the way that the City is developing. Staff is aware and working on the concerns with traffic and roads.

Mayor Money said they need to address the traffic concerns seriously. He discussed the State’s plans for funding Trax and commuter rail. He said the State is also looking at improving other roads, including 11400 South from the freeway to Bangerter Highway and 11800 South.

Council Member Colton asked if the radar sign is effective at slowing traffic, and does it make a record of the cars that have passed by? CM Horst said yes. He said when the citizens complain, the report can either support or invalidate the complaint.

Council Member Winger said she thinks that the Senior Citizens have more concern with property taxes than the survey results show.

**Council Member Colton made a motion to go into a Redevelopment Agency Meeting. Council Member Marlor seconded the motion. The vote was unanimous in favor, with Council Member Short absent.**

REDEVELOPMENT AGENCY MEETING – separate set of minutes.

**Board Member Marlor made a motion to adjourn the Redevelopment Agency Meeting, and go into a closed meeting for property acquisition and potential litigation. Board Member Butters seconded the motion. The vote was unanimous in favor, with Board Member Short absent.**

CLOSED MEETING

Council Member Short arrived during the closed meeting

**Council Member Marlor made a motion to come out of closed meeting, and go back into an open meeting. Council Member Butters seconded the motion. The vote was unanimous in favor.**

The Council got an update on the Jordan Ridge Park. COO Tanner said there are some drainage issues; the drainage system has to be redone. She said the plan is to get the drainage system redone and operable by the end of September.

Council Member Winger said Mulligan's golf course is also having drainage issues. There are a lot of mosquitoes and smell. CM Horst said staff would look into that.

CM Horst updated the City Council on the Daybreak park. He said there needs to be some active parks in Daybreak. Kennecott is preparing to dedicate 80 acres for a west side park. He said they need 200 acres of active parks. He said Kennecott is looking at what they can dedicate to the City with the first 6 plats. With each new plat, they will be dedicating property. CM Horst said the current impact fee schedule is outdated for parks. They are doing a new study. He said Daybreak has been bonding for parks. Council Member Marlor said they should either require cash bonds or make them dedicate property for the parks. CM Horst said they told Kennecott that they can't move forward with plat 7 until they have a firm agreement on parks.

CM Horst said they met with the LDS Temple representatives today. He said they have the First Presidency approval to call it the South Jordan Utah Temple. The intent is to start construction next spring.

Council Member Short said no one can determine how many horses are allowed at Payne's racing stables. They should get a number established. CM Horst said they can't allow less than the current number of horses on the property. Council Member Short said they should set a number so that number doesn't increase.

CM Horst said there are a number of properties in the City with the same situation, including the Equestrian Center.

Mayor Money said it is not an issue currently, but it could be an issue in the future, if Payne's racing stables want to increase the number of horses.

CM Horst said he does not have a problem establishing a number. He said he would recommend that they establish a number rather than worrying about the history on the property. He said he will have Animal Control count the number of horses on the property currently, and do the necessary research. They will then bring that information to the City Council before they approach the property owners.

Council Member Short said he understands that Lane Myers did not have the land under contract for his barn that was just approved. He said there is a similar issue with a Peterson Development project. He said he wonders if they should have something notarized from the property owner that says who owns the property or who has the property under contract. CM Horst said the property owner is noticed for every public hearing. Council Member Marlor said sometimes people have an option to buy property, subject to the zoning approval.

ACM Whatcott said when the landowner is not the applicant, they have to sign an affidavit indicating that the applicant can act as an agent for the property. The affidavit is kept on file at the City.

#### ADJOURNMENT

**Council Member Winger made a motion to adjourn. Council Member Short seconded the motion. The vote was unanimous in favor.**

The September 5, 2006 City Council meeting adjourned at 8:34 p.m.

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## **SOUTH JORDAN CITY CITY COUNCIL REPORT**

**Council Meeting Date: September 19, 2006**

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**Issue:** Resolution Number – R2006-57. Resolution finalizing the terms and conditions of the issue of approximately \$10,000,000 of refunding bonds.

**Submitted By:** Dean Lundell

**Agenda Item No.**

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**Staff Recommendation:** Proceed with the issuance of the refunding bonds.

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**BACKGROUND:** On March 7, 2006 the Council adopted resolution R2006-11 authorizing the issuance and sale of not more than \$12,500,000 aggregate principal amount of sales tax revenue refunding bonds. The refinancing of this debt, was dependant upon the City realizing a minimum of 3.000% net present value savings compared to the original bonds.

### **TEAM FINDINGS, CONCLUSIONS & RECOMMENDATIONS:**

**FINDINGS:** Shortly after that resolution was passed, interest rates rose to the point that the City could no longer achieve this savings threshold. Recent reductions in rates in the tax-exempt bond market have caused this refinancing to once again be profitable. Current estimates place the net present value savings at 4.717%.


**CONCLUSIONS:** With a net present value savings of 4.717%, the resulting reduction of the City's annual debt payments will be in excess of \$30,000 per year.

**RECOMMENDATIONS:** Take advantage of the drop in interest rates and issue the refunding bonds.

**FISCAL IMPACT:** Estimated net present value savings of 4.717%. Estimated annual reduction of debt service payments of \$30,000 to \$40,000 per year.

**ALTERNATIVES:** The City could refrain from issuing the refunding bonds, and keep the current debt service payment schedule.

**SUPPORT MATERIALS:** Issue paper regarding preliminary information in Resolution R2006-57. R2006-57, Resolution finalizing the terms and conditions of the issue of approximately \$10,000,000 of refunding bonds.

Approved as to Content:  \_\_\_\_\_  
City Manager

Legal Review:  \_\_\_\_\_  
City Attorney

**Issue Paper Regarding:**  
**South Jordan City, Utah**  
**Not to Exceed \$10,000,000**  
**Sales Tax Revenue Refunding Bonds**  
**Consideration of Authorizing Resolution**

1. The City took action necessary in March of this year consisting of the adoption and publication of a parameters resolution
2. The thirty day contestability period has expired
3. Market Conditions improved such that the savings target for the refunding could be accomplished [3% or higher net present value savings]
4. The City has now obtained a AA rating from Standard & Poor's
5. Bids for bond insurance providers are now being accepted
6. The Preliminary Official Statement will be posted September 13, 2006 to enable the underwriter to commence educating purchasers about the upcoming issue
7. Pricing will occur the morning of September 19<sup>th</sup> and the underwriter will commit to final rates, subject to council approval, by early afternoon on the 19<sup>th</sup>.
8. City Council will be informed of the final pricing results and consider action to adopt the final bond resolution on the evening of the 19<sup>th</sup>.
9. Bond closing and delivery of proceeds will occur approximately two weeks after pricing.

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The Authorizing Resolution has a number of blanks in it that cannot be filled in until the marketing of the bonds occur. Since underwriters cannot send out Confirmation Tickets to those placing orders to purchase the bonds until the City has adopted the Authorizing Resolution it is imperative, and standard in the industry, for the Authorizing Resolution to be submitted preliminarily to the Council with blanks that relate to the final pricing information. This is due to the fact that since financial markets are relatively volatile bond purchaser's and underwriter's want formal action taken by the issuer within twenty-four hours of pricing so that they can be assured of receiving the bonds for the prices they've submitted.

South Jordan, Utah

September 19, 2006

The City Council of the City of South Jordan, Utah (the "Issuer") met in regular session at the regular meeting place of the Council in the City of South Jordan, Utah, on September 19, 2006, at the hour of ~~7:00~~ 6:00 p.m., with the following members of the Council being present:

Present:

W. Kent Money	Mayor
Larry Short	Councilmember
Bradley G. Marlor	Councilmember
Leona Winger	Councilmember
Brian C. Butters	Councilmember
David W. Colton	Councilmember

Also present:

Anna M. West	City Recorder
Ricky A. Horst	City Manager

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this resolution had been discussed, the City Recorder presented to the Council a Certificate of Compliance With Open Meeting Law with respect to this September 19, 2006, meeting, a copy of which is attached hereto as Exhibit A.

Thereupon, the following resolution was introduced in written form, discussed in full, and pursuant to motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, adopted by the following vote:

AYE:

NAY:



RESOLUTION NO. R2006-57

A RESOLUTION OF THE CITY COUNCIL OF CITY OF SOUTH JORDAN, UTAH (THE "ISSUER") FINALIZING THE TERMS AND CONDITIONS OF THE ISSUANCE AND SALE BY THE ISSUER OF ITS SALES TAX REVENUE REFUNDING BONDS, SERIES 2006 IN THE AGGREGATE PRINCIPAL AMOUNT OF \$\_\_\_\_\_ (THE "SERIES 2006 BONDS"); AWARDING AND CONFIRMING THE SALE OF SAID SERIES 2006 BONDS; AUTHORIZING THE EXECUTION BY THE ISSUER OF A SECOND SUPPLEMENTAL INDENTURE OF TRUST, AN ESCROW DEPOSIT AGREEMENT; AUTHORIZING AND APPROVING A PRELIMINARY OFFICIAL STATEMENT AND FINAL OFFICIAL STATEMENT; AUTHORIZING AND APPROVING A BOND PURCHASE AGREEMENT; AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTION CONTEMPLATED BY THIS RESOLUTION; PROVIDING A SEVERABILITY CLAUSE; REPEALING RESOLUTIONS AND ORDERS IN CONFLICT; PROVIDING AN EFFECTIVE DATE; AND RELATED MATTERS.

WHEREAS, the City Council (the "Council") of the City of South Jordan, Utah (the "Issuer") desires to (a) refund a portion of its Sales Tax Revenue Bonds, Series 2001, (the "Prior Bonds"), and (b) pay costs of issuance of the Series 2006 Bonds herein authorized; and

WHEREAS, to accomplish the purposes set forth in the preceding recital, the Issuer desires to issue its Sales Tax Revenue Refunding Bonds, Series 2006 in the aggregate principal amount of \$\_\_\_\_\_ pursuant to the Utah Refunding Bond Act, Title 11, Chapter 27, Utah Code Annotated 1953, as amended (the "Act"), this Resolution, a General Indenture of Trust dated as of December 1, 2001, between the Issuer and Zions First National Bank, as Trustee (the "Trustee") (the "General Indenture"), and a Second Supplemental Indenture of Trust dated as of September 1, 2006, between the Issuer and the Trustee, in substantially the form presented to the meeting at which this Resolution was adopted and which is attached hereto as Exhibit B (the "Second Supplemental Indenture" and collectively with the General Indenture, the "Indenture"); and

WHEREAS, by Resolution adopted March 7, 2006 (the "Parameters Resolution"), the Council approved the preparation and use of a Preliminary Official Statement with respect to the Series 2006 Bonds; and

WHEREAS, pursuant to the direction contained in the Parameters Resolution, the Issuer has distributed a Preliminary Official Statement dated September 13, 2006 (the "Preliminary Official Statement"), with respect to the Series 2006 Bonds; and

WHEREAS, the Council desires to ratify the use and distribution of the Preliminary Official Statement and to approve a Final Official Statement with respect to the Series 2006 Bonds and other documents relating thereto; and

WHEREAS, the Council has determined that the Bond Purchase Agreement of \_\_\_\_\_, (the "Underwriter") for the purchase of the Series 2006 Bonds is acceptable and in the best interest of the Issuer, a copy of which is attached hereto as Exhibit C; and

WHEREAS, the Issuer desires to sell the Series 2006 Bonds to the Underwriter upon the terms set forth in said Bond Purchase Agreement; and

WHEREAS, the Series 2006 Bonds shall be payable solely from the Revenues and other moneys pledged therefor in the Indenture, and shall not constitute or give rise to a general obligation or liability of the Issuer or constitute a charge against its general credit or taxing powers; and

WHEREAS, the Issuer desires to enter into an Escrow Deposit Agreement dated as of September 1, 2006 (the "Escrow Agreement"), with Zions First National Bank, as escrow agent, to retire and defease the Prior Bonds:

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of South Jordan, Utah, as follows:

Section 1. The terms defined or described in the recitals hereto shall have the same meanings when used in the body of this Resolution.

Section 2. All actions heretofore taken (not inconsistent with the provisions of this Resolution), by the Council and by the officers of the Issuer directed toward the issuance and sale of the Series 2006 Bonds, are hereby ratified, approved and confirmed.

Section 3. The Second Supplemental Indenture attached hereto as Exhibit B is in all respects hereby authorized and approved, and the Mayor and City Recorder are hereby authorized and directed to execute and deliver the same on behalf of the Issuer.

Section 4. For the purposes of (a) refunding the Issuer's outstanding Prior Bonds, and (b) paying costs of issuing the Series 2006 Bonds, the Issuer hereby authorizes the issuance of the Series 2006 Bonds which shall be designated "City of South Jordan, Utah Sales Tax Revenue Refunding Bonds, Series 2006."

Section 5. The Issuer hereby authorizes the issuance of the Series 2006 Bonds in the aggregate principal amount of \$\_\_\_\_\_. The Series 2006 Bonds shall bear interest, shall be dated, shall be issued as fully registered Bonds, and shall mature as provided in the Second Supplemental Indenture.

Section 6. The form, terms, and provisions of the Series 2006 Bonds and the provisions for the signatures, authentication, payment, registration, transfer, exchange, redemption, and number shall be as set forth in the Indenture. The Mayor and City

Recorder are hereby authorized and directed to execute and seal the Series 2006 Bonds and to deliver said Bonds to the Trustee for authentication. The signatures of the Mayor and the City Recorder may be by facsimile or manual execution.

Section 7. The appropriate officials of the Issuer are hereby authorized and directed to execute and deliver to the Trustee the written order of the Issuer for authentication and delivery of the Series 2006 Bonds in accordance with the provisions of the Indenture.

Section 8. The Series 2006 Bonds shall be sold to the Underwriter in accordance with the Bond Purchase Agreement presented to the Issuer. Said Bond Purchase Agreement in the form attached hereto as Exhibit C is hereby authorized and approved, and the Mayor and City Recorder are hereby authorized to execute said Bond Purchase Agreement on behalf of the Issuer.

Section 9. The Issuer hereby ratifies and reaffirms the utilization of the Preliminary Official Statement in the form attached hereto as Exhibit D in the marketing of the Series 2006 Bonds and hereby approves the final Official Statement in the form attached hereto as Exhibit E. The Mayor is hereby authorized to execute the final Official Statement evidencing its approval by the Issuer.

Section 10. The Escrow Agreement attached hereto as Exhibit F is hereby authorized and approved and the Mayor and City Recorder are hereby authorized and directed to execute and deliver the same on behalf of the Issuer.

Section 11. Upon their issuance, the Series 2006 Bonds will constitute special limited obligations of the Issuer payable solely from and to the extent of the sources set forth in the Series 2006 Bonds and the Indenture. No provision of this Resolution, the Indenture, the Series 2006 Bonds, or any other instrument, shall be construed as creating a general obligation of the Issuer, or of creating a general obligation of the State of Utah or any political subdivision thereof, or as incurring or creating a charge upon the general credit of the Issuer or its taxing powers.

Section 12. The appropriate officials of the Issuer, and each of them, are hereby authorized and directed to execute and deliver for and on behalf of the Issuer any or all additional certificates, documents and other papers and to perform all other acts they may deem necessary or appropriate in order to implement and carry out the matters authorized in this Resolution and the documents authorized and approved herein.

Section 13. After the Series 2006 Bonds are delivered by the Trustee to the Underwriter, and upon receipt of payment therefor, this Resolution shall be and remain irrevocable until the principal of, premium, if any, and interest on the Series 2006 Bonds are deemed to have been duly discharged in accordance with the terms and provisions of the Indenture.

Section 14. The forms of the Second Supplemental Indenture and the Escrow Agreement authorized and approved hereby are authorized and approved with such additions, modifications, deletions and changes thereto as may be deemed necessary or

appropriate and approved by the Mayor, whose execution thereof on behalf of the Issuer shall conclusively establish such necessity, appropriateness and approval with respect to all such additions, modifications, deletions and changes incorporated therein.

Section 15. The Issuer hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Undertaking, a copy of which is attached to the Official Statement. In the event the Issuer fails to comply with the Continuing Disclosure Undertaking, any Bondholder may take the remedial actions set forth therein.

Section 16. In accordance with the provisions of Section 11-27-4 of the Utah Refunding Bond Act, the City Recorder has caused a "Notice of Bonds to be Issued" to be published one time in The Salt Lake Tribune, a newspaper having general circulation in the Issuer, and has caused a copy of the Resolution to be kept on file in the office of the City Recorder for public examination during regular business hours at least thirty (30) days from and after the date of publication thereof. Such notice is hereby reaffirmed and approved.

Section 17. It is hereby declared that all parts of this Resolution are severable, and if any section, clause or provision of this Resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, clause or provision shall not affect the remaining sections, clauses or provisions of this Resolution.

Section 18. All resolutions, orders and regulations or parts thereof heretofore adopted or passed which are in conflict herewith are, to the extent of such conflict, hereby repealed. This repealer shall not be construed so as to revive any resolution, order, regulation, or part thereof heretofore repealed.

Section 19. This Resolution shall take effect immediately upon its approval and adoption.

PASSED, APPROVED, AND ADOPTED this September 19, 2006.

(SEAL)

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
City Recorder

(Here follows business not pertinent to the above.)

Pursuant to motion duly made and seconded, the City Council adjourned.

(SEAL)

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
City Recorder

STATE OF UTAH                    )  
  : ss.  
COUNTY OF SALT LAKE    )

I, Anna West, the duly qualified and acting City Recorder of the City of South Jordan, Utah (the "Issuer"), do hereby certify according to the records of the Issuer's City Council (the "Council") in my possession that the foregoing constitutes a true, correct and complete copy of the minutes of the regular meeting of the Council held on September 19, 2006, as it pertains to a bond resolution (the "Resolution") adopted by the Council at said meeting, including the Resolution, as said minutes and Resolution are officially of record in my possession.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of the Issuer this September 19, 2006.

(SEAL)

By: \_\_\_\_\_  
City Recorder

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Anna West, the duly qualified and acting City Recorder of the City of South Jordan, Utah (the "Issuer"), do hereby certify, according to the records of the Issuer in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the September 19, 2006, special public meeting held by the Issuer as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the Issuer's principal offices at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to The Salt Lake Tribune at least twenty-four (24) hours prior to the convening of the meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my signature this September 19, 2006.

(SEAL)

By: \_\_\_\_\_  
City Recorder



SCHEDULE 1

NOTICE OF MEETING

EXHIBIT B

SECOND SUPPLEMENTAL INDENTURE OF TRUST

(See Transcript Document No. \_\_)

EXHIBIT C

PURCHASE AGREEMENT

(See Transcript Document No. \_\_)

EXHIBIT D

PRELIMINARY OFFICIAL STATEMENT

(See Transcript Document No. \_\_)

EXHIBIT E

OFFICIAL STATEMENT

(See Transcript Document No. \_\_)

EXHIBIT F

ESCROW DEPOSIT AGREEMENT

(See Transcript Document No. \_\_)



## **SOUTH JORDAN CITY**

# **CITY COUNCIL REPORT**

**Council Meeting Date: 9/19/2006**

---

**Issue: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ADOPTING THE CULINARY WATER SYSTEM MASTER PLAN FOR SOUTH JORDAN CITY**

**Submitted By: Jennifer Smith  
Sr. Supervising Water Engineer**

**Agenda Item No.**

---

### **Team Recommendation (Motion Ready):**

Recommend that the City Council adopt Resolution No. 2006-46, Adopting the Culinary Water System Master Plan for South Jordan City.

---

### **BACKGROUND:**

A Culinary Water System Master Plan was prepared by Hansen, Allen & Luce, Inc. in June 2006.

### **TEAM FINDINGS, CONCLUSIONS & RECOMMENDATIONS:**

#### Findings:

The Culinary Water System Master Plan will provide specific direction to South Jordan City, based on City demand data and standards established by the Utah Division of Drinking Water, for decisions that will be made over the next three years to help the City provide adequate water to customers at the most reasonable cost.

#### Conclusions:

In 2003, a culinary water system master plan was completed by Civil Science Engineering. The master plan identified four alternatives as part of the evaluation. Many of the recommended projects from the 2003 master plan have been completed.

It was deemed necessary to reevaluate the culinary water system master plan subsequent to the following events:

1. The City's decision to not implement a city-wide pressurized secondary water system.
2. Zoning changes and a rise in estimated growth rates throughout the City, including Daybreak development.



3. Newly discovered information regarding the JVWCD delivery capabilities to the City and inadequate infrastructure.
4. It is professionally advisable to update city-wide master plans every three to five years.

**Recommendations:**

- For the reasons outlined in the Culinary Water System Master Plan and staff presentation, staff recommends that City Council approve Resolution #2006-46, the Culinary Water System Master Plan for South Jordan City.

**FISCAL IMPACT:**

The recommended existing and build-out deficiency projects total \$45,254,000. A combination of funding options could include: General obligation bonds, Revenue bonds, State/Federal grants and loans, impact fees and water use fees.

**ALTERNATIVES:**

- Adopt the Resolution as recommended
- Amend the Resolution
- Deny the Resolution

**SUPPORT MATERIALS:**

- Resolution 2006-46
- Culinary Water System Master Plan Executive Summary Report

Approved as to Content: \_\_\_\_\_  
City Manager

Legal Review:  \_\_\_\_\_  
City Attorney

**RESOLUTION NO. 2006-46**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ADOPTING THE CULINARY WATER SYSTEM MASTER PLAN FOR SOUTH JORDAN CITY**

**WHEREAS**, a Culinary Water System Master Plan has been prepared by Hansen, Allen & Luce, Inc. in June 2006; and

**WHEREAS**, the Culinary Water System Master Plan update will provide specific direction to South Jordan City, based on City demand data and standards established by the Utah Division of Drinking Water, for decisions that will be made over the next three years to help the City provide adequate water to customers at the most reasonable cost; and

**WHEREAS**, the City Council finds and determines that the Culinary Water System Master Plan will support the best interests of the City and will promote the public health, safety, and welfare of the citizens of South Jordan City.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, STATE OF UTAH** that the document entitled Culinary Water System Master Plan prepared by Hansen, Allen & Luce, Inc., dated June 2006, a copy of which is attached, is hereby adopted as the Culinary Water System Master Plan of South Jordan City.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, STATE OF UTAH**, on this 19th day of September, 2006, by the following vote:

	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<b>Brian Butters</b>	___	___	___	___
<b>David W. Colton</b>	___	___	___	___
<b>Bradley G. Marlor</b>	___	___	___	___
<b>Larry Short</b>	___	___	___	___
<b>Leona Winger</b>	___	___	___	___

---

**W. Kent Money, Mayor**

**ATTEST:**

---

**Anna M. West, City Recorder**

# **SOUTH JORDAN CITY CITY COUNCIL REPORT**

**Council Meeting Date: 9/19/2006**

---

Issue: RESOLUTION 2006-55 ADOPTING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN SALT LAKE COUNTY AND SOUTH JORDAN CITY FOR UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES) CO-PERMIT NO. UTS000001

Submitted By: Shane Greenwood  
Engineer

Agenda Item No.

---

## **Team Recommendation (Motion Ready):**

Recommend that the City Council approve Resolution 2006-55, and authorize Mayor Money to sign an Interlocal Cooperation Agreement between Salt Lake County and South Jordan City for UPDES Co-Permit No. UTS000001, 2006 - 2011.

---

## **BACKGROUND:**

The State of Utah has issued a UPDES permit, Permit No. UTS000001, to Salt Lake County and the Utah Department of Transportation as co-permittees. The permit provides that, in addition to the County and UDOT, additional operators of small municipal separate storm sewers within the boundaries of Salt Lake County may also be co-permittees covered in the Permit. A prior Interlocal Cooperation Agreement between Salt Lake County and South Jordan City for UPDES Co-Permit was entered into March 11, 2003 and expired on April 30, 2006.

## **TEAM FINDINGS, CONCLUSIONS & RECOMMENDATIONS:**

### Findings:

South Jordan City desires and is willing to sign on as a co-permittee covered in the Permit and participate in the County's UPDES municipal storm water permit program under the terms and conditions set forth in the Permit and in the Agreement. The other Jordan Valley municipalities who may choose to be co-permittees are Bluffdale, Draper, Herriman, Holladay, Midvale, Murray, Riverton, Sandy, South Salt Lake, Taylorsville, West Jordan and West Valley.

### Conclusions:

- As co-permittees, the parties agree to implement and enforce their own jurisdictions according to their respective responsibilities for complying with the Permit requirements.

- Salt Lake County and South Jordan City shall be responsible to pay for those costs relating to their own storm water systems and shall reimburse each other for expenses incurred in providing services for each other.
- Appropriate staff have reviewed the Interlocal Agreement (see attached approval sheet).

Recommendations:

Approve Resolution 2006-55 and authorize Mayor Money to sign the Interlocal Cooperation Agreement for UPDES Co-Permit #UTS000001.

**FISCAL IMPACT:**

N/A

**ALTERNATIVES:**

South Jordan City could submit a stand alone permit, at additional costs, to implement Public Education and Outreach, and Public Participation/Involvement that would otherwise be done by Salt Lake County on the co-permit.

**SUPPORT MATERIALS:**

- Interlocal Cooperation Agreement
- Resolution 2006-55

Approved as to Content: \_\_\_\_\_  
City Manager

Legal Review:  \_\_\_\_\_  
City Attorney

**RESOLUTION NO. 2006-55**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ADOPTING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN SALT LAKE COUNTY AND SOUTH JORDAN CITY FOR UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES) CO- PERMIT NO. UTS000001**

**WHEREAS**, the parties are “public agencies” and are therefore authorized by the Utah Interlocal Cooperation Act, Section 11-13-1, et seq., Utah Code Annotated , to enter into agreements with each other for joint or cooperative action; and

**WHEREAS**, the State of Utah has issued a UPDES permit, Permit No. UTS000001, effective from June 1, 2006 through May 31, 2011 to the “JORDAN VALLEY MUNICIPALITIES” as co-permittees; and

**WHEREAS**, South Jordan City is willing to participate in Salt Lake County’s UPDES storm water permit program under the terms and conditions set forth.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, STATE OF UTAH** that the Interlocal Cooperation Agreement between Salt Lake County and South Jordan City for Utah Pollutant Discharge Elimination System (UPDES) Co-Permit No. UTS000001, 2006 - 2011, a copy of which is attached, is hereby adopted.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, STATE OF UTAH**, on this 19th day of September, 2006, by the following vote:

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<b>Brian Butters</b>	___	___	___	___
<b>David W. Colton</b>	___	___	___	___
<b>Bradley G. Marlor</b>	___	___	___	___
<b>Larry Short</b>	___	___	___	___
<b>Leona Winger</b>	___	___	___	___

\_\_\_\_\_  
**W. Kent Money, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Anna M. West, City Recorder**

**South Jordan City  
Contract Review and Approval**

Contract Title/Description: Interlocal Cooperation Agreement  
between Salt Lake County and SJC for UPDES Co-Permit  
Contract Date: 2006 - 2011 No. UTS000001

**Approved as to:**

Content: [Signature] 9/11/06  
Project Manager (signature, date)

Form: [Signature] 9-11-06  
City Attorney (signature, date)

Budget: [Signature] 9/11/2006  
Finance Officer (signature, date)

**Service Group Authorization:**

Department SP&B: [Signature] 9/11/2006  
(signature, date)

Department Director: [Signature] 9/12/06  
(signature, date)

Cabinet: [Signature] 9/12/06  
(signature, date)

**Copy Received:**

City Recorder: [Signature]  
(signature, date)

SOUTH JORDAN

County Contract No. \_\_\_\_\_  
District Attorney No. 2006-1023

**INTERLOCAL COOPERATION AGREEMENT  
BETWEEN  
SALT LAKE COUNTY  
AND  
SOUTH JORDAN CITY  
FOR  
UPDES CO-PERMIT NO. UTS000001  
2006 - 2011**

\_\_\_\_\_

THIS AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by and between SALT LAKE COUNTY (COUNTY), a body corporate and politic of the State of Utah, and SOUTH JORDAN CITY (CITY), a municipal corporation of the State of Utah; COUNTY and CITY are sometimes referred to jointly as the "parties".

**WITNESSETH:**

WHEREAS, the parties are "public agencies" and are therefore authorized by the Utah Interlocal Cooperation Act, Section 11-13-1, et seq., Utah Code Annotated, to enter into agreements with each other for joint or cooperative action; and

WHEREAS, the Environmental Protection Agency (EPA) has published its "Final Rule" setting forth the National Pollutant Discharge Elimination System (NPDES) permit application rules and regulations for stormwater discharges to municipal separate storm sewer systems; and

WHEREAS, the State of Utah, through its Department of Environmental Quality, Division of Water Quality (DWQ), has statutory rulemaking authority and authority to issue

pollutant discharge elimination system permits within the State of Utah pursuant to the rules and regulations of the Utah Pollutant Discharge Elimination System (UPDES); and

WHEREAS, the rules and regulations provide that where more than one public entity owns or operates a municipal separate storm sewer system within a geographic area (including adjacent or interconnected municipal separate storm sewer systems), such operators may be co-applicants to the same application and permit renewal; and

WHEREAS, the State of Utah has issued a UPDES permit, Permit No. UTS000001 (the "Permit"), effective from June 1, 2006 through May 31, 2011, to the "JORDAN VALLEY MUNICIPALITIES", specifically including the COUNTY and other named municipalities, including the CITY, as co-permittees, a copy of which Permit is attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, the parties desire and are willing to participate in the COUNTY's UPDES municipal stormwater permit program under the terms and conditions set forth in the Permit and in this Agreement and now desire to enter into this Agreement setting forth their present understanding as to their respective responsibilities with regard to their participation as co-permittees under the Permit and also in the COUNTY's UPDES municipal stormwater permit program;

NOW, THEREFORE, in consideration of the mutual promises set forth herein, the parties agree as follows:

**1. Purpose of Agreement.** The purpose of this agreement is to set forth and coordinate the respective responsibilities and activities of the parties with regard to their joint participation as co-permittees pursuant to the requirements of the Permit, specifically with regard



to the geographic area which includes all of the municipal separate storm sewer systems which belong to and are operated by the parties to this Agreement.

**2. Responsibilities of the parties.** The parties agree to implement and enforce within their own jurisdictions their respective responsibilities for complying with the Permit requirements, including but not limited to, those responsibilities and requirements set forth in Part I, Sections C, D, and E of the Permit, attached hereto as Exhibit "A." The parties do not intend that either party assist the other in financing these activities. To the maximum extent possible, the parties agree to assist each other in providing and sharing information, drawings, plans, data, etc., which are required to comply with the requirements set forth in the Permit.

**3. Cooperative activities and financing.** The parties agree that each party shall be responsible to pay for those costs relating to its own stormwater systems, and that the parties shall reimburse each other for expenses incurred in providing services for each other as may be agreed in writing by the parties concerning the various tasks and responsibilities required under the Permit. Detailed services to be provided and reimbursement therefor are set forth in Exhibit "B" which is attached hereto and incorporated herein.

**4. Duration.** The parties agree that the duration of this Agreement shall commence upon entry and shall continue coexistent in time with the duration of the existing Permit, which Permit shall expire at midnight, May 31, 2011 as provided in the Permit. The parties agree that this Agreement shall not apply to any subsequent permits or co-permits unless the parties agree in writing to extend this Agreement.

**5. Liability and indemnification.** The CITY and COUNTY are governmental entities under the Utah Governmental Immunity Act. Consistent with the terms of the Act, and

as provided herein, it is mutually agreed that each party is responsible and liable for its own wrongful or negligent acts which are committed by it or by its agents, officer or employees. Neither party waives any defenses otherwise available under the Act nor does any party waive any limits of liability currently provided by the Act. The parties agree to indemnify each other and hold each other harmless from any damages or claims for damages occurring to persons or property as a result of the negligence or fault of their own officers, employees or agents involved in any matter pertaining to this Agreement.

6.     **Administration.** No separate entity is created by this agreement; however, to the extent that any administration of this agreement becomes necessary, then the public works directors of both parties, or their designees, shall constitute a joint board for such purpose.

7.     **Property.** In the event that any property is acquired by the parties jointly for the undertaking, and paid for by them, then it shall be divided as the parties' representatives shall agree, or, if no agreement is reached, then it shall be divided according to their respective payments for property, or if it cannot be practically divided, then the property shall be sold and the proceeds divided according to the parties' proportionate share of the purchase of the item of property. If property is purchased at one party's sole expense in connection with this agreement, then the property so purchased shall be and remain the property of the party which purchased it.

8.     **Termination.** This Agreement may be terminated (with or without cause) by either party upon at least ninety (90) days prior written notice to the other party. Payment shall be made for all work performed prior to termination.

9.     **Entire agreement and amendment.** This Agreement embodies the entire agreement between the parties hereto, and no other promises or understandings, express or

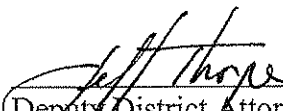
implied, shall be binding upon the parties. No amendment to this Agreement shall be effective unless made in writing and signed by the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective as of the day and year first above written.

SALT LAKE COUNTY

By \_\_\_\_\_  
Mayor or Designee

Approved as to form and legality

  
\_\_\_\_\_  
Deputy District Attorney  
Date 26 July 2006

STATE OF UTAH     )  
                              : ss.  
County of Salt Lake    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2006, personally appeared before me \_\_\_\_\_, who being duly sworn, did say that (s)he is the \_\_\_\_\_ of Salt Lake County, Office of Mayor, and that the foregoing instrument was signed on behalf of Salt Lake County, by authority of law.

[SEAL]

\_\_\_\_\_  
NOTARY PUBLIC  
Residing in Salt Lake County, Utah

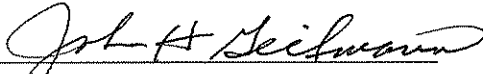
ATTEST:

SOUTH JORDAN CITY

\_\_\_\_\_  
City Recorder

By \_\_\_\_\_  
Mayor

Approved as to form and legality

  
\_\_\_\_\_  
City Attorney  
Date 9-13-06  
h:\share\jthorpe\updates2006\interlocal.wpd

## EXHIBIT B

### CO-PERMIT REQUIREMENT ACCOUNTABILITY

Salt Lake County accepts responsibility for implementation of the following permit requirements of City under UPDES Permit UTS000001 issued June 1, 2006, to be completed during the life of the permit and developed in detail in the County's Stormwater Management Plan.

- Task 1. County will prepare the Co-Permittee Identification and Accountability document identified in Part I.E.1.a. at no direct cost to the City. City shall provide necessary information in a timely fashion to County for inclusion into document.
- Task 2. County will develop and implement a core County-wide Public Education and Outreach program identified in Part II.F.1. at no direct cost to the City. The program will be coordinated through the Stormwater Coalition.
- Task 3. County will develop a portion of a public involvement/participation program identified in Part II.F.2. at no direct cost to the City. This program will satisfy the requirements under subparagraph c. The program will be coordinated through the Stormwater Coalition.
- Task 4. County will assist City in the development and implementation of an Illicit Discharges and Improper Disposal control plan identified in Part II.F.3.c., f., and g. at no direct cost to the City.
- Task 5. County will compile and submit to the State the annual report identified in Part II.I. which will include the City's required information. City shall provide necessary information for this submittal to the County in a compatible electronic format as either word processing or spreadsheet as required. Information must be provided to the County at least 45 days prior to report submission deadline. If City fails to submit information to County as described, City shall be liable for State sanctions and penalties.
- Task 6. County shall monitor all outfalls from the City MS4 to the County-wide system in accordance with Part III.C.1. and 2. at no direct cost to the City.

# South Jordan City



## Memorandum Office of the City Manager

**To:** Mayor and City Council  
Cabinet  
Animal Control

**Subject:** Payne Horse Stables  
David Payne  
10988 S. 2200 W.  
South Jordan, UT

**Date:** September 7, 2006

A review of the Payne Horse Stables reveal the following information:

- Property consists of approximately 3.09 acres.
- Property is zoned A-1.
- Property has housed horses for as long as any one can remember.
- No formal records on the property pertaining to permitted uses have been located to date.
- Currently housed on the property are thirty (30) horses (outside) and twenty-five (25) inside.
- The barn provides for about 35 stalls inside.
- The facility does not stable horses in a commercial setting due to the high liability and potential for law suits. No business license is therefore required.
- All horses on the property are owned by the property owner.
- It is likely that the current horse population is granted under the "Grandfather" clause.
- Current codes would allow for nine horses.
- Additional horses may be granted under a conditional use permit.

Sincerely,

Ricky A. Horst  
City Manager

Cc: File





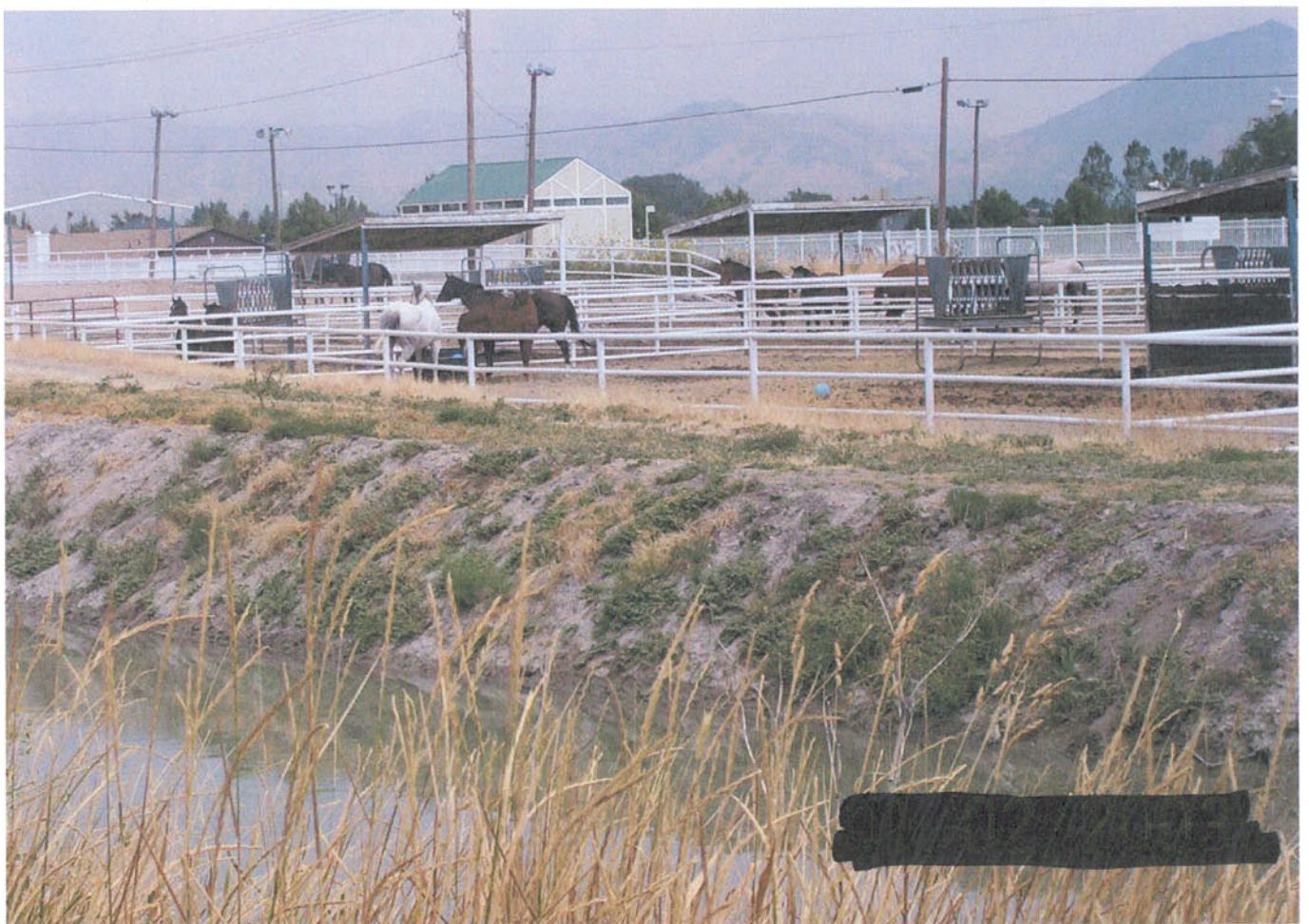
10988 S. 2200 W  
Chad Giles

Photos Taken on  
09-06-06











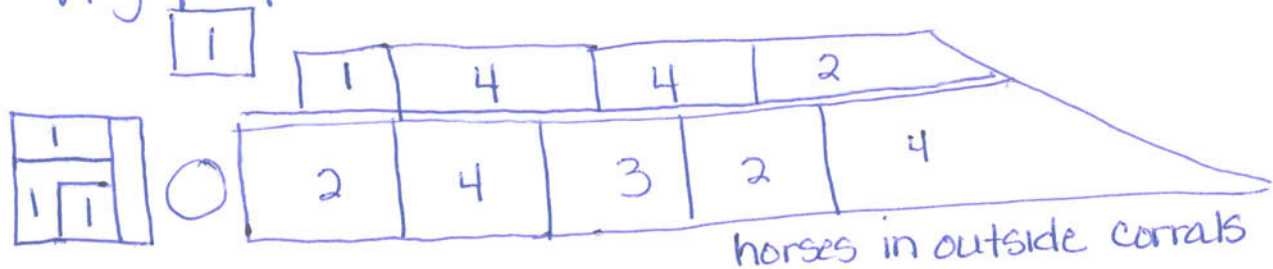






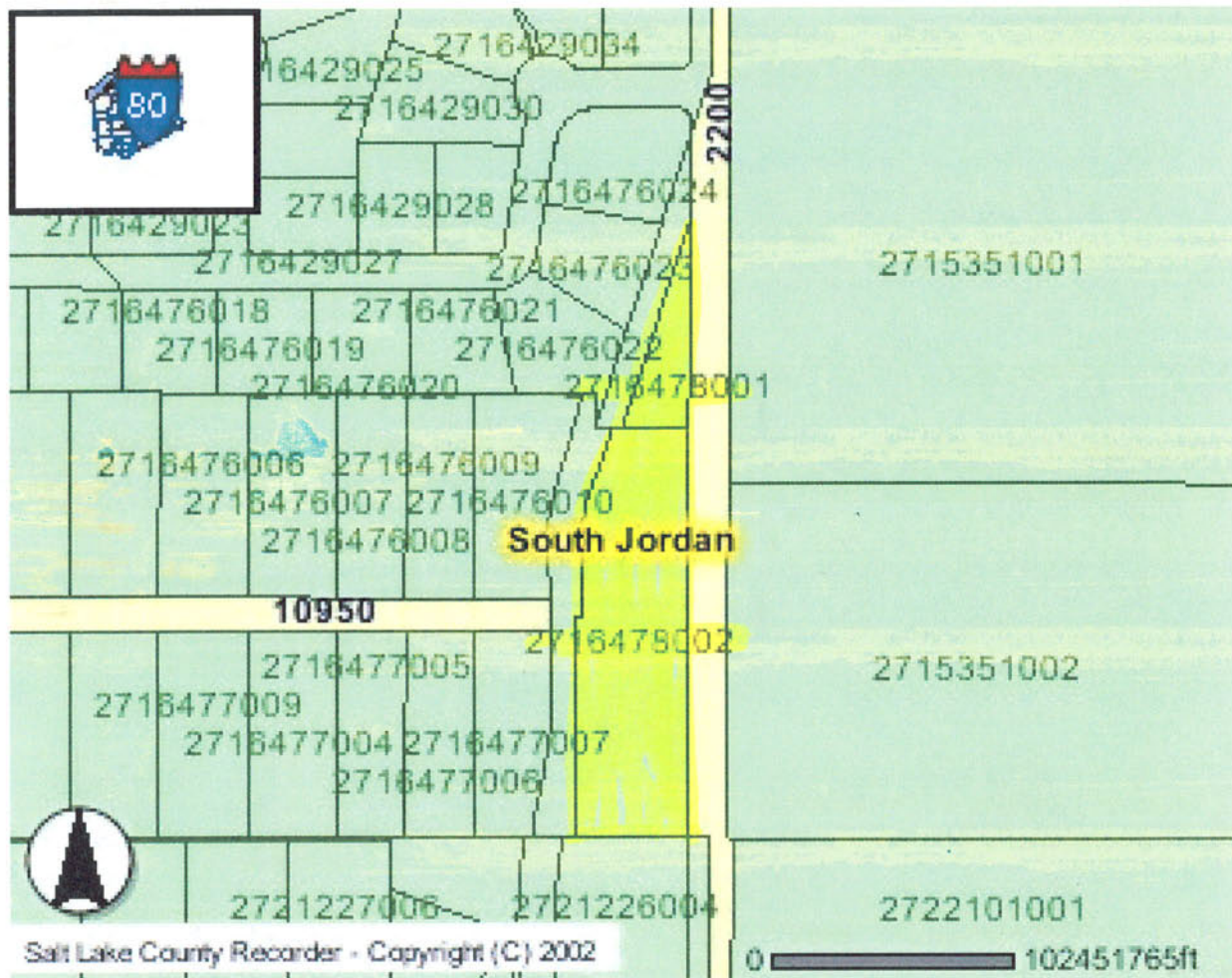
30 horses outside  
Approx 25 inside

Chad would not let me in but did say he has about 35 inside stalls. He said he does not board other peoples horses due to liability & sue-happy people.



David Payne owner of property 07-09-01 as per City records  
582-9332

Giles - was owner once.



Rick

more info on 2200west three parcels



VTDI 27-16-478-002-0000 DIST 38

TOTAL ACRES 2.75

PAYNE, DAVID J & ELODIE H	TAX CLASS	UPDATE	REAL ESTATE	270200
(JT)		LEGAL	BUILDINGS	173870
		PRINT U	TOTAL VALUE	444070

48 W BROADWAY ST # 2701N

SALT LAKE CITY UT 84101200748 EDIT 1 FACTOR BYPASS

LOC: 10923 S 2200 W EDIT 1 BOOK 6011 PAGE 1049 DATE 03/17/1988

SUB: TYPE UNKN PLAT

09/07/2006 PROPERTY DESCRIPTION FOR TAXATION PURPOSES ONLY

COM AT SE COR SEC 16, T 3S, R 1W, S L M; W 198 FT; N 330 FT;

E 8 FT; N 330 FT; E 20 FT; S 49.5 FT; E 170 FT; S 610.5 FT

TO BEG. 2.75 AC 4130-0161 5977-2563 5977-2565

PFKEYS: 1=VTNH 2=VTOP 4=VTAU 6=NEXT 7=RTRN VTAS 8=RXMU 10=RXBK 11=RXPN 12=PREV

VTDI 27-16-478-001-0000 DIST 38

TOTAL ACRES 0.34

PAYNE, DAVID J &	TAX CLASS	UPDATE	REAL ESTATE	22400
ELODIE H; JT		LEGAL	BUILDINGS	0
		PRINT U	TOTAL VALUE	22400

48 W BROADWAY ST # 2701

SALT LAKE CITY UT 84101400248 EDIT 1 FACTOR BYPASS

LOC: 10824 S 2200 W # APXBT EDIT 1 BOOK 8865 PAGE 4511 DATE 09/05/2003

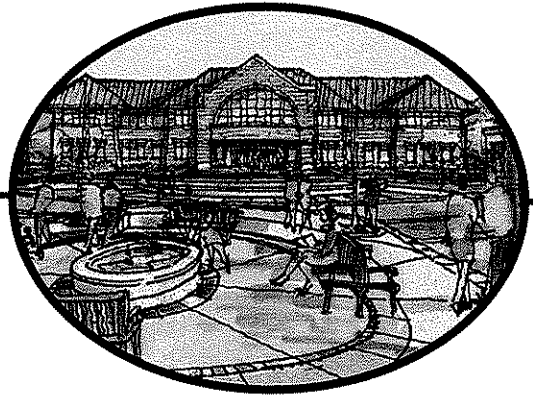
SUB: TYPE UNKN PLAT

09/07/2006 PROPERTY DESCRIPTION FOR TAXATION PURPOSES ONLY

BEG N 00-01'38" E 610.5 FT & N 89-58'22" W 33 FT FR SE COR  
OF SEC 16, T 3S, R 1W, SLM; N 89-58'22" W 97.65 FT; N  
17-40'28" E 322.11 FT; S 00-01'38" W 306.95 FT TO BEG. 0.344  
AC M OR L.

PFKEYS: 1=VTNH 2=VTOP 4=VTAU 6=NEXT 7=RTRN VTAS 8=RXMU 10=RXBK 11=RXPN 12=PREV

# South Jordan City



## Memorandum Office of the City Manager

**To:** Neighbors

**Subject:** Proposed Park to be located at approximately 10400 South and 3900 West

**Date:** September 7, 2006

Dear Neighbor:

The City Council initiated an informal public comment period during the City Council meeting of August 15, 2006 in reference to the proposed park to be located at approximately 10400 South and 3900 West. The public comment period was continued and will resume during the scheduled City Council meeting of September 17, 2006.

You will note that I have attached a memorandum dated August 30, 2006 in fulfillment of the City Council's request for additional research and information pertaining to the proposed park and those concerns as presented by the citizenry in attendance at the August 15, 2006 meeting of the City Council. The comments made that night were very insightful and beneficial in our research efforts. Additionally, you will note that we have endeavored to mitigate most, if not all, of the issues raised while protecting the City's right to move this project forward.

You will further note from the memorandum to the City Council, as attached, that we have determined that we should not sale any of the property based on the provisions of the Development Agreement dated June 15, 1999. You will also note that while we have the right to develop and "active" park on the property, that I have directed that the park be revised to mitigate many of the concerns as presented. The park will have a much softer feel to it. It will provide for groomed landscaping, trail systems, view corridors, and retain a portion of the canal in an open enhanced format.

Thank you for your participation in this process. Should you have any questions in the interim, please feel free to contact my office at 254-3742.

Sincerely,

Ricky A. Horst  
City Manager

**Cc:** Mayor and City Council  
Cabinet  
Community Development  
Leisure Services  
File

September 7, 2006

Carrie McMurdie  
10261 Sage Spring Circle  
South Jordan, UT 84095

Re: Appeal of Planning Commission Decision  
Proposed Park Generally Located at 10200 South and 3800 West

Dear Mrs. McMurdie:

Please accept this letter in response to the appeal filed on August 22, 2006. You will note that I have enclosed a memorandum dated August 30, 2006 in fulfillment of the City Council's request for additional research and information pertaining to the proposed park and those concerns as presented by the citizenry in attendance at the August 15<sup>th</sup> meeting of the City Council. The comments made that night were very insightful and beneficial in our research efforts. Additionally, you will note that we have endeavored to mitigate most, if not all, of the issues raised while protecting the City's right to move this project forward.

You will note from the memorandum to the City Council, as attached, that we have determined that we should not sell any of the property based on the provisions of the Development Agreement dated June 15, 1999. You will also note that while we have the right to develop an "active" park on the facility, that I have directed that the park be revised to mitigate many of the concerns raised. The park will have a much softer feel to it. It will provide for groomed landscaping, trail systems, view corridors, and retain a portion of the canal in an open enhanced format.

Lastly, you will note that the "Appeal" based on the findings as presented and the agreements already in place is moot and without standing. The continuation of the informal public comment period will be held on September 19, 2006 wherein these findings, as well as the revised park concept plan will be presented. It is here that the City Council will consider the recommendations as forwarded and contained within the above referenced memorandum.

We thank you for bringing forward this most important information and for your participation in this process. Should you have any question in the interim, please feel free to contact my office directly at 254-3742.

Sincerely,



Ricky A. Horst  
City Manager

Cc: Mayor and City Council  
Planning Commission  
Cabinet  
Brian Preece, Community Development  
Don Tingey, Leisure Services  
File

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Council Member-Brian C. Butters  
Council Member-David W. Colton  
Council Member-Bradley G. Marlor  
Council Member-Larry Short  
Council Member-Leona Winger



Mayor-William Kent Money

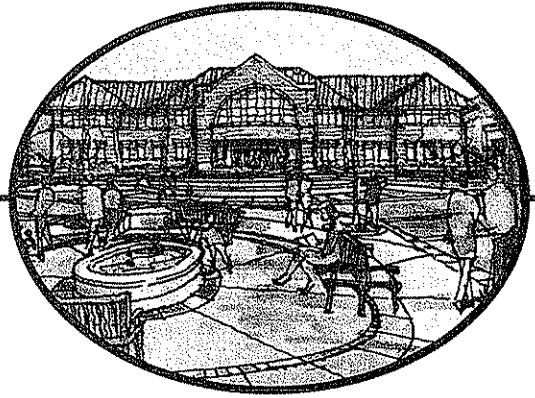
City Manager-Ricky A. Horst

1600 West Towne Center Drive / South Jordan, UT 84095 / Telephone (801) 254-3742 / Fax (801) 254-3393

e-mail: [info@sjc.utah.gov](mailto:info@sjc.utah.gov) <http://sjc.utah.gov>



# South Jordan City



## Memorandum Office of the City Manager

**To:** Mayor and City Council  
Cabinet  
Department of Leisure Services

**Subject:** Proposed Park Development – Generally Located at 10400 South and 3900 West

**Date:** August 30, 2006

On August 15, 2006, the City Council, under the direction of the Mayor, allowed for public comment in regard to the proposed development of open lands for purposes of a park facility generally located at 10400 South and 3900 West. Citizens in attendance raised concern regarding the development of the park. The hearing was continued until such time as the staff could provide the Council with additional information. Since that time, Carrie McMurdie has filed an appeal based on the premise that the “conceptual plan...needs to go before our elected officials because of the negative impact it will have on the surrounding neighborhoods and taxpayers of South Jordan.”

### Findings:

The Development Agreement of 15<sup>th</sup> June, 1999 between the City and Oquirrh Shadows, L.C. states, “at least 29.4 acres of the property...shall be retained in open space. The City shall have the right to convey any or all of the dedication property to another entity provided that the land conveyed is subject to a permanent conservation easement.”<sup>1</sup> Additionally the Agreement states, “shall preserve and maintain the property exclusively as open space in perpetuity for the active and/or passive recreational use of citizens of Grantee (i.e. for public parks, trails, view corridors, conservation areas and nature preserves.)”<sup>2</sup>

The definition applied to “active” parks as adopted by the City within the South Jordan City Development Impact Fee Calculation Report. Park/Open Space Land and Facilities Development as adopted in January 2002 states, “Active Parkland: Designation indicates that it has, or will be improved with facilities that allow the park to be scheduled for youth and adult sports leagues such as softball, baseball, football, soccer, tennis and basketball. Other improvements would

<sup>1</sup> Development Agreement, 15<sup>th</sup> June 1999, South Jordan City and Oquirrh Shadows, L.C.; Page 2. (G.)

<sup>2</sup> Development Agreement, 15<sup>th</sup> June 1999, South Jordan City and Oquirrh Shadows, L.C.; Exhibit C.

generally include lighted sports fields, concession booths, restrooms, spectator bleachers and other...improvements.”<sup>3</sup>

#### Conclusions:

- The land, as conveyed cannot be sold as proposed unless the land is retained for the purpose of “active and/or passive recreation use for citizens.
- The land, as conveyed can be used for the park purposes as proposed and falls within the Agreement as conveyed to adjoining property owners.
- Funding for the proposed park will have to be generated via other sources.
- Under the provisions of City Code and the Development Agreement, the City bares the right to develop the ground without Site Plan approval by the Planning Commission.
- A citizen constitutes the whole of South Jordan as the Agreement clearly states.

Response: (Issues and statements as contained within the “Appeal” document.)

Increased traffic flow and parking congestion: 4000 West and 10400 South are designed to carry traffic loads far in excess of the minimal traffic to be generated by the proposed park. 10400 South is designed to carry 65,000 vehicles per day and 4000 West is a major collector for north/south traffic. The park plan, as amended, proposes safe and adequate parking for the intended park uses.

Inefficient use of tax dollars and resources: The Appeal misrepresents the “duplicated costs” of the nearby facility. The City would not undertake this effort where it not based on solid and realized need. This need is set forth by the community as a whole and should not be based on rhetoric designed to provide rationale for a negative consideration of this park facility. As to the storm drain facility, this facility is scheduled for future work in order to meet the increasing capacity needs of the facility. The piping of the canal in no way poses a loss of secondary water potential and does provide for a reduction in liability and an increase in property usage. Lastly, to purchase additional lands for park development when the City owns undeveloped property intended for park development would not be fiscally responsible.

Public Trust/Responsibility to Private Citizens: The payment of “lot premiums” was based on the assurance that the property would remain for citizen use. This implies the use of all citizens, not just adjoining citizen properties. Further, the Agreement states that the land is for active and/or passive use. Therefore, it should be clear that active use is a possibility. However, in light of the concerns raised by neighboring citizens, Staff has reviewed the park proposal and has softened its intended use even more. The park, however, will still meet the need for low-impact sports fields, and will continue to provide for open space, provide trails, view corridors, and conservation areas.

Supposed Planning Commission Statement: A review of the Planning Commission meeting minutes indicates that no one ever said the “park was a done deal.” Staff did convey to the

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<sup>3</sup> South Jordan City Development Impact Fee Calculation Report, Park/Open Space Land and Facilities dated January 2002, Page 112, Identification of Current Standards.

audience that based on the Development Agreement and City Codes that the City had the right to develop the park and was providing the Planning Commission the opportunity to solicit public comment. Our mistake was that we limited public notice to those citizens living within 300 feet of the proposed park property and not provide for a city-wide public notice.

Recommendations:

- That the City not pursue the sale of any of the property in and immediately adjacent to the proposed Park site.
- That the City be allowed to pursue the development of the proposed park property as amended (having taken into account the concerns as raised by neighboring citizens) as future funding and opportunity allows. This could well be a multi-year process with a multi-phase approach.
- That the public hearing as continued from August 15<sup>th</sup> be continued on September 19<sup>th</sup>, 2006. However, with the understanding that legally the Appeal is moot and is without standing based on the findings as presented herein.

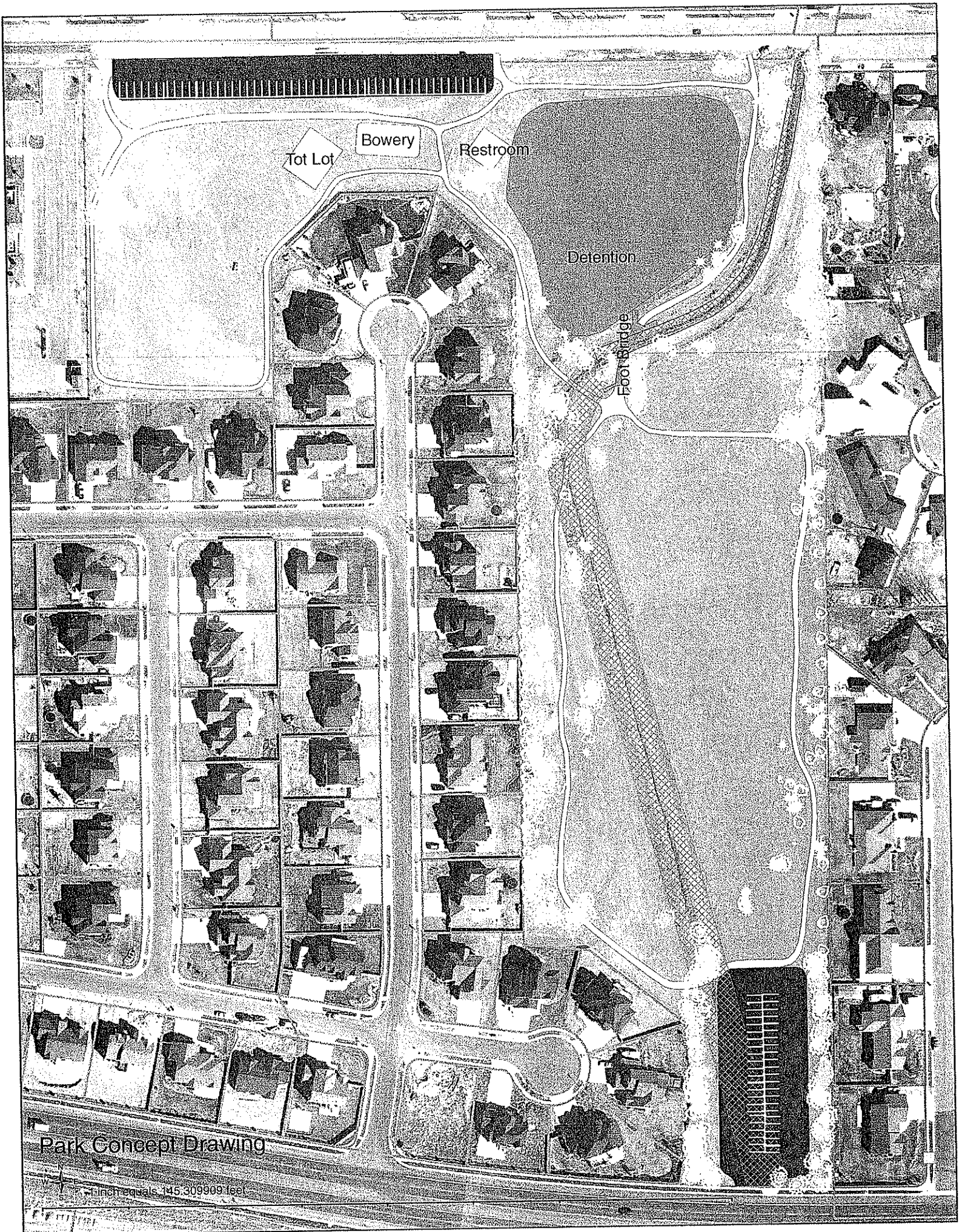
Sincerely,

A handwritten signature in black ink, appearing to read "Ricky A. Horst". The signature is fluid and cursive, with a large initial "R" and "H".

Ricky A. Horst  
City Manager

Cc: File

Attch: Proposed "low impact" park plan.  
Appeal as filed by Carrie McMurdie

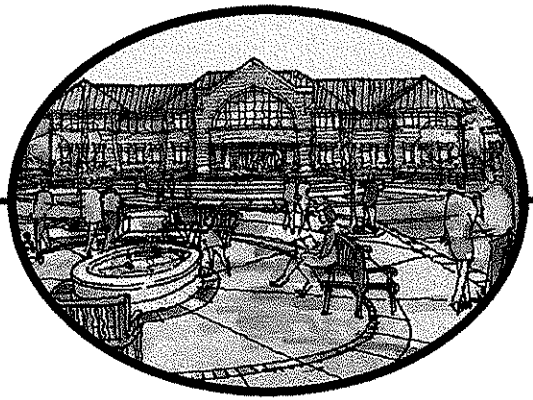


Park Concept Drawing

1 inch equals 145.309909 feet

# *South Jordan City*

## *Memorandum*



**To:** Mayor W. Kent Money  
Council Member Leona Winger  
Council Member Bradley G. Marlor  
Council Member David W. Colton  
Council Member Larry Short  
Council Member Brian Buttars

**CC:** City Manager, Ricky A. Horst

**From:** Laurie Tanner

**Subject:** Council Packet

**Date:** 09/12/2006

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The agenda for September 19, 2006 includes an item "Council Packet" under the heading of "Other Business". This item was placed on the agenda to discuss and determine the most effective medium for Council packet materials to be distributed. In January 2004 Council members began receiving Council packet materials electronically, however at the present time, hard copy binders with all materials have been requested as well. City Administration would like to discuss this issue with the Council and determine which medium best meets the needs of Council Members.

Please let me know if you have any questions. I can be reached at 254-3742 ext.1285.

Thank you,

Laurie Tanner

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## **SOUTH JORDAN CITY CITY COUNCIL REPORT**

**Council Meeting Date: September 19, 2006**

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**Issue:** Approval of name for membership on the Public Arts & Cultural Development Board.

**Submitted By:** Laurie Tanner

**Agenda Item No.**

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**Team Recommendation (Motion Ready):** Staff recommends that Jennifer Wahlquist (Application attached) be approved as a member of the Public Arts & Cultural Development Board. Jennifer will replace Susan Duehlmeier who resigned due to newly acquired time commitments. Other members of the Board are: Melidee Barton, Sue Butterfield, Gordon Clark, Craig Ellertson, Colleen Ferguson, Carol Fluckiger, Barbara Hansen, Rhea Kiisel, Cathy Mendez, Janet Olevsky-Dunn, Marlene Stanley, and Tres Tanner.

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### **BACKGROUND:**

On July 19, 2005, the South Jordan City Council voted to adopt a Public Art Initiative. One of the provisions within this initiative was to establish a Public Art & Cultural Development Board. At that same meeting Council Member Wenner made a motion to appoint Colleen Ferguson to the Board. The Council unanimously ratified the nomination.

On May 16, 2006 Melidee Barton, Gordon Clark, Craig Ellertson, Carol Fluckiger, Barbara Hansen, Rhea Kiisel, Cathy Mendez, Janet Olevsky-Dunn, Marlene Stanley, and Tres Tanner were approved as board members.

On June 20, 2006 Sue Butterfield was approved as a board member.

The Board had its first meeting on July 13, 2006 and has been meeting monthly since that time.


**TEAM FINDINGS, CONCLUSIONS & RECOMMENDATIONS:** Approve nomination to the Public Arts & Cultural Development Board as presented.

**FISCAL IMPACT:** This particular action does not increase or decrease any fiscal impacts to the board.

**ALTERNATIVES:** Deny approval of the nomination as submitted.

### **SUPPORT MATERIALS:**

- Application

Approved as to Content: \_\_\_\_\_  
 City Manager

Legal Review:  \_\_\_\_\_  
City Attorney

## New Member Application



**Name:** Jennifer Wahlquist  
**Address:** 1948 West 10610 South  
South Jordan, UT 84095  
**Day Phone:** 801-254-5087  
**Evening Phone:** same as above  
**Email:** [jenniferwahlquist@comcast.net](mailto:jenniferwahlquist@comcast.net)  
**Citizen of South Jordan?** YES

### Current Work/Volunteer Experience

Organization Dates	Position
2000-2003	Board Member of Ogden's Treehouse Children's Museum
2005-2006	Board Member of Navigator Pointe Academy (Charter School located in West Jordan)

### Why do you want to serve on the Public Art & Cultural Development Board?

My family moved to South Jordan three years ago and we have been pleasantly surprised by all the city has to offer. Some of the things we enjoy are: visiting the library and the fountains, swimming at the recreation center and strolling through the city parks. We also enjoy the free summer week-end entertainment the city provides and all the activities that surround Countryfest. As a citizen of South Jordan, I feel it is important to contribute any talents that I may have to help bring together the citizens of our city through positive experiences, particularly in the arts. I currently play the violin for the Riverton Metropolitan Orchestra and would like to facilitate the city of South Jordan in creating a similar program for its citizens to enjoy.

### How did you learn about The Public Art & Cultural Development Board?

Sue Butterfield, a member of the board. I also received a phone call from Lori Edmunds from the City of South Jordan.

### What qualifies you to be appointed to the Public Art & Cultural Development Board?

1. I truly enjoy both visual and musical art. I am grateful for parents who introduced me to music and art at such an early age. I want the children of our community to have those same opportunities to learn about the arts.
2. I have had incredible opportunities to serve on several boards (Treehouse Children's Museum and Navigator Pointe Academy). These experiences helped me develop my skills in working with others towards reaching a common goal.

### In your opinion, how would you help the Public Art & Cultural Development Board strive to make South Jordan a place "Worthy of Our Affection?"

There is an amazing pool of artistic talent in South Jordan. Just in my neighborhood, I have met composers, painters, sculptures, singers, and a variety of other musicians. I would like to help the city of South Jordan provide venues for these talented artists to



share their abilities with the community. As we share our talents with each other, we become united as a community and our "affection" for the community only increases.

**The first thing the Public Art & Cultural Development Board should do is ...**

Develop a mission statement that will assist the board in making decisions regarding the arts in South Jordan. Everyone on the board should have an understanding of what the organization is trying to accomplish. The board should brainstorm ideas of how to best fulfill the mission statement and discuss what resources are available to bring these ideas to fruition. These goals need to be prioritized in a way that most effectively uses the talents and resources the city has.

**What areas do you have expertise in?**

Community Outreach

Music

Education

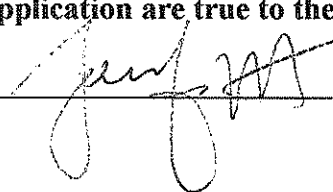
Special Events/Galas

**If you would like, please elaborate on or add to any of the above.**

In 2005, I was involved in starting a new charter school in West Jordan. It took a tremendous amount of both physical and mental effort to create the school. It was amazing to watch parents from all economic and educational backgrounds come together to donate their time and talents to build a wonderful school for their children. I was involved in hiring the school director and business manager as well as coordinating the efforts of six committees. It was a wonderful learning experience for me.

**By dating and signing below, I acknowledge that I have read the requirements for Public Art & Cultural Development Board Membership. I certify that the facts set forth in the application are true to the best of my knowledge.**

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

9/1/06